

REMARKS

The present application was filed on September 21, 2006 with claims 1 through 13. Claims 1 through 13 are presently pending in the above-identified patent application. Claims 1, 6, and 13 are amended and claims 8-12 are cancelled, without
5 prejudice, herein.

The Examiner is thanked for the courtesy of a telephone interview on Sept. 15, 2010 in which the present amendments were discussed. During the telephone interview, the Examiner indicated that the present limiting amendments could be entered in the present application, to conform the pending U.S. claims with the claims of the
10 corresponding priority European patent application, despite the *Ex Parte Quayle* status of the present application.

In the Office Action, the Examiner rejected the Information Disclosure Statement dated March 15, 2006 for failing to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by
15 the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent and/or document listed that is not in the English language. The Examiner rejected claims 1-7 and 13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicated that claims 1-7 and 13
20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in this office action.

The specification has been amended to comply with 37 CFR 1.77(b).

Information Disclosure Statement

The Examiner rejected the Information Disclosure Statement dated March
25 15, 2006 for failing to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent and/or document listed that is not in the English language.

Applicants note that a revised Information Disclosure Statement is being
30 submitted herewith that includes a concise explanation of the relevance of each foreign language reference, as it is presently understood by the individual designated in 37 CFR

1.56(c) most knowledgeable about the content of the information, of each patent and/or document listed that is not in the English language.

Section 112 Rejection

5 Claims 1-7 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the Examiner asserts that the recitation of “a modulated photon flux” lacks of antecedent basis.

Applicants note that independent claim 1 has been amended to address the Examiner’s concern and respectfully request that the section 112 rejection be withdrawn.

10 Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-7 and 13, are in condition for allowance and such favorable action is earnestly solicited.

15 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner’s attention to this matter is appreciated.

Respectfully submitted,



Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

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